## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

BIENVENIDO FRANCO, Behalf of All Others Simila	•	
<b>v.</b>	Plaintiffs, )	Civ. No.: 07 CV 3956 (JS/AKT)
IDEAL MORTGAGE BAN LEND AMERICA, INC., N TIMOTHY MAYETTE, H MICHAEL PRIMEAU,	MICHAEL ASHLEY, )	
+	Defendants. )	

## PLAINTIFFS' MOTION IN LIMINE NO. 5

Plaintiffs respectfully move this Honorable Court to exclude any evidence concerning any Defendant's ability to pay a judgment and/or the financial effects a judgment against any Defendant would have on themselves, their family, business, operations or insurance rates. Such testimony could be used by a Defendant to attempt to inflame the jury or to create sympathy for themselves. Such evidence or testimony is irrelevant under Fed.R.Evid. 401 and 402. Even assuming, *arguendo*, that it were relevant, this sort of testimony or other evidence evidence should be precluded on the grounds of prejudice, confusion, and/or waste of time pursuant to Fed.R.Evid. 403. For the same reasons, the Court should preclude any evidence concerning any bankruptcy filings.

Dated: July 15, 2013 Respectfully Submitted,

/s/ James B. Zouras

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**COUNSEL FOR PLAINTIFFS** 

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' MOTION IN LIMINE NO. 5** was served upon the following parties via this Court's ECF filing system, this 15<sup>th</sup> day of July, 2013:

Robert H. Weiss 26S Stonywell Court Dix Hills, New York 11746 Roberthw119@msn.com

Erik H. Langeland Erik H. Langeland, P.C. 500 Fifth Avenue, Suite 1610 New York, New York 10110 Elangeland@langelandlaw.com

And, electronically mailed the above mentioned on this 15<sup>th</sup> day of July, 2013 to the following address:

Helene DeCillis <a href="mailto:hdecillis@gmail.com">hdecillis@gmail.com</a>

/s/ James B. Zouras
James B. Zouras